

FILED

UNITED STATES COURT OF APPEALS

OCT 15 2014

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

INDIEZONE, INC. and EOBUY,
LIMITED,

Plaintiffs - Appellants,

CONOR FENNELLY, CEO and
DOUGLAS RICHARD DOLLINGER,
Counsel,

Appellants,

v.

TODD ROOKE; et al.,

Defendants - Appellees.

No. 14-16895

D.C. No. 3:13-cv-04280-VC
Northern District of California,
San Francisco

ORDER

The court's records reflect that the notice of appeal was filed during the pendency of a timely filed motion listed in Federal Rule of Appellate Procedure 4(a)(4). The notice of appeal is therefore ineffective until entry of the order disposing of the last such motion outstanding. *See* Fed. R. App. P. 4(a)(4). Accordingly, appellate proceedings other than mediation shall be held in abeyance pending the district court's resolution of the pending motion. *See Leader Nat'l Ins. Co. v. Indus. Indem. Ins. Co.*, 19 F.3d 444, 445 (9th Cir. 1994).

KML/MOATT

Within 5 days after the district court's ruling on the pending motion, appellants shall notify this court in writing of the ruling and shall advise whether appellants intend to prosecute this appeal.

To appeal the district court's ruling on the post-judgment motion, appellants must file an amended notice of appeal within the time prescribed by Federal Rule of Appellate Procedure 4.

Further, a review of this court's docket reflects that the filing and docketing fees for this appeal remain due. Within 21 days after the date of this order, appellants shall pay to the district court the \$505.00 filing and docketing fees for this appeal and file in this court proof of such payment. Failure to pay the fees shall result in the automatic dismissal of the appeal by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.

The Clerk shall serve this order on the district court.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Katherine Lehe
Deputy Clerk/Motions Attorney